

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

SEPRACOR INC., UCB S.A., and UCB, INC.,

Plaintiffs,

v.

BARR PHARMACEUTICALS, INC., *et al.*,

Defendants.

Western Division
Civil Action No. 5:08-cv-00362-H

SEPRACOR INC., UCB S.A., and UCB, INC.,

Plaintiffs,

v.

SYNTHON PHARMACEUTICALS, INC., *et al.*,

Defendants.

Western Division
Civil Action No. 5:08-cv-00179-H

SEPRACOR INC., UCB S.A., and UCB, INC.,

Plaintiffs,

v.

SANDOZ, INC.,

Defendant.

Eastern Division
Civil Action No. 4:08-cv-00089-H

SEPRACOR INC., UCB S.A., and UCB, INC.,

Plaintiffs,

v.

SUN PHARMACEUTICAL INDUSTRIES, LTD.,

Defendant.

Western Division
Civil Action No. 5:08-cv-00247-H

**MOTION TO EXTEND SANDOZ'S THIRTY-MONTH STAY OF FDA APPROVAL
FOR FAILURE *INTER ALIA* TO COMPLY WITH DISCOVERY**

NOW COME Sepracor Inc., UCB S.A., and UCB, Inc. (collectively "Plaintiffs"), by and through counsel, and, pursuant to 21 U.S.C. § 355(j)(5)(B)(iii), respectfully move this Court to extend the thirty-month stay of FDA approval of Sandoz's ANDA based upon Sandoz's failure to "reasonably cooperate in expediting the action." Sandoz has consistently failed to provide discovery or otherwise cooperate in the discovery process, including failing to abide by a discovery stipulation between Plaintiffs and Sandoz and this Court's August 9, 2010, Order (Dkt. No. 227). Plaintiffs have met and conferred with Sandoz pursuant to Local Rule 7.1(c) but were unsuccessful in obtaining consent to the relief sought in this motion.

WHEREFORE, Plaintiffs respectfully request that the Court extend the thirty-month stay of FDA approval of Sandoz's ANDA for an amount of time equal to the number of days between Sandoz's submission of its section viii amendment to the FDA (February 5, 2010) until such time as Sandoz has fully provided Plaintiffs with all discovery regarding its amendment, in accordance with this Court's August 9, 2010, Order (Dkt. No. 227).

Respectfully submitted on this the 13th day of October, 2010.

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CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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